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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 60/171 of 16 December 2005, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Noting the submission by the Islamic Republic of Iran of voluntary pledges and commitments on human rights[6] in accordance with General Assembly resolution 60/251 of 15 March 2006,

Taking note of the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law, and also of the relevant provisions of its Constitution,

1. *Welcomes*:

(a) The standing invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures during their visits, while regretting that no special procedure has been able to visit the Islamic Republic of Iran since July 2005 and expressing its hope that special procedures of the Human Rights Council will be able to visit in the near future;

(b) The report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[7] on her visit to the Islamic Republic of Iran from 29 January to 6 February 2005;

(c) The report of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living,[8] on his visit to the Islamic Republic of Iran from 19 to 31 July 2005;

(d) The statement by the head of the judiciary of the Islamic Republic of Iran in October 2006 in which he expresses his hope that judges will choose alternative punishments for minors instead of long jail terms for some offences;

(e) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the parliament, which was approved by the Guardian Council in May 2004;

(f) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while urging the Islamic Republic of Iran to intensify these dialogues and ensure that they are held regularly;

(g) The release of some prisoners held without due process of law;

(h) The cooperation with United Nations agencies in developing programmes in the areas of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics, webloggers, union members and labour organizers, including through undue restrictions on the freedoms of assembly, conscience, opinion and expression, the threat and use of arbitrary arrest and prolonged detention, targeted at both individuals and their family members, the ongoing unjustified closure of newspapers and blocking of Internet sites and restrictions on the activities of unions and other

[6] A/60/770/Add.1, annex.
[7] E/CN.4/2006/61/Add.3.
[8] E/CN.4/2006/41/Add.2.

non-governmental organizations, as well as the absence of many conditions necessary for free and fair elections;

(b) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the prevalent atmosphere of impunity for officials that commit human rights abuses, the harassment, intimidation and persecution of defence lawyers and legal defenders, the adulteration of judicial files, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences and the violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement, the failure to provide proper medical care to those imprisoned, the arbitrary denial of contact between detainees and their family members, and the death of detainees in unclear circumstances or resulting from general mistreatment while in custody;

(c) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(d) The continuing of public executions, including multiple public executions, and, on a large scale, of other executions, in the absence of respect for internationally recognized safeguards, and the issuing of sentences of stoning; and, in particular, deplores the execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights[2] and in spite of the announcement of a moratorium on juvenile executions;

(e) The continuing violence and discrimination against women and girls in law and in practice, the refusal of the Guardian Council to take steps to address this systemic discrimination and recent arrests of and violent crackdowns on women exercising their right of assembly;

(f) The increasing discrimination and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Azeris, Baluchis and Kurds as well as Christians, Jews, Sufis and Sunni Muslims; the escalation and increased frequency of discrimination and other human rights violations against members of the Baha'i faith, including reports of plans by the State to identify and monitor Baha'is, as noted by the Special Rapporteur on freedom of religion or belief; an increase in cases of arbitrary arrest and detention; the denial of freedom of religion or of publicly carrying out communal affairs; the disregard for property rights, including through de facto expropriation, as noted in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living; the destruction of sites of religious importance; the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits, and recent violent crackdowns on Arabs, Azeris, Baha'is, Kurds, and Sufis;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression and for the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant on Civil and Political Rights; in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views; and to increase actions to promote and facilitate human rights education at all levels and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and, in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

(c) To eliminate, in law and in practice, the use of torture and other cruel, inhuman or degrading treatment or punishment, such as amputations and flogging; as previously proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[9] and to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards, and in this regard, takes note of, inter alia, the updated set of principles for the protection and promotion of human rights through action to combat impunity;[10]

(d) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, as called for by the Committee on the Rights of the Child in its report of January 2005,[11] executions of persons who at the time of their offence were under the age of 18, to uphold the moratorium on juvenile executions and executions by stoning and to introduce these moratorium as law in order to completely abolish this punishment;

(e) To eliminate, in law and in practice, all forms of discrimination and violence against women and girls and, as previously proposed by the elected Iranian parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[12]

(f) To eliminate, in law and in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Azeris, Baha'is, Baluchis, Kurds, Christians, Jews, Sufis, and Sunni Muslims, to refrain from monitoring individuals

[9] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[10] See E/CN.4/2005/102 and Add.1.

[11] See CRC/C/146.

[12] United Nations, *Treaty Series*, vol. 1249, No. 20378.

on the basis of their religious beliefs, to ensure that minorities' access to education be on par with that of all Iranians and to address these matters in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance,[13] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community;

4. *Encourages* the thematic procedures of the Human Rights Council, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the situation of human rights in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to live up to the commitment it made when it issued a standing invitation to these special procedures by cooperating with them, and to illustrate how their subsequent recommendations have been addressed, including the recommendations of special procedures that have previously visited the country;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-second session, under the item entitled "Promotion and protection of human rights".

[13] See E/CN.4/1996/95/Add.2.